

FINAL
For Review and Adoption by the Council at the April 25, 2019 Meeting

DELTA STEWARDSHIP COUNCIL
Thursday, March 21, 2019
University Plaza Hotel
Waterfront 1 Room
110 W. Fremont Street
Stockton, CA 95202

MEETING SUMMARY

1. Welcome and Introductions

Vice Chair Randy Fiorini called the meeting to order at 10:00 a.m., March 21, 2019.

2. Roll Call – Establish a Quorum (Water Code §85210.5)

Roll call was taken, and a quorum was established. The following Councilmembers were present: Ken Weinberg, Mike Gatto, Frank Damrell, Randy Fiorini, and Oscar Villegas.

Maria Mehranian was absent. Susan Tatayon recused herself for the Smith Canal public hearing (agenda item 3) and arrived for the meeting before agenda item 4.

3. Public Hearing on Staff-Prepared Draft Findings Regarding the Appeal of the Certification of Consistency for the Smith Canal Gate Project (Action Item)

The Council held a public hearing regarding the appeal of the certification of consistency submitted on November 2, 2018 by the San Joaquin Area Flood Control Agency (SJAFCA), Certification Number C20188. A link to the hearing notice can be found here: <http://deltacouncil.ca.gov/appeal-filed-over-smith-canal-gate-consistency-delta-plan>. The hearing commenced at 10:00 a.m. on March 21, 2019.

- a. Opening of Hearing and Explanation of Hearing Process by the Vice Chair
- b. Conduct Hearing

Vice Chair Fiorini and Councilmembers Weinberg, Gatto, Damrell, and Villegas were present for the hearing. Chair Tatayon recused herself from the process. The Appellant (represented by Patrick Soluri), SJAFCA (represented by Kathryn Oehlschlager), and members of the public presented. Upon conclusion of the hearing, Councilmembers voted based on the official record and comments received regarding the matter.

Motion: Offered by Damrell, second by Weinberg - Approve the proposed Determination, which contains findings denying ACPOA's appeal of SJAFCA's Certification of Consistency of the Project with the Delta Plan.

Vote: 5/0 – Weinberg, Gatto, Damrell, Fiorini, and Villegas voted aye. The motion was adopted.

The complete transcript of the hearing proceedings, along with all supporting documents, can be found here:

https://coveredactions.deltacouncil.ca.gov/profile_summary.aspx?c=86b4471f-f63c-4cd3-97b0-ebaf91324c49.

The video of the hearing proceedings on March 21 is viewable on the linked agenda at: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2019-03-21>. 00:01:22.

4. Adoption of February 21, 2019 Meeting Summary (Action Item)

There were no changes to the meeting summary.

Motion: Offered by Gatto, second by Villegas - Approve the February 21, 2019 meeting summary.

Vote: 6/0 – Weinberg, Gatto, Damrell, Fiorini, Tatayon, and Villegas voted aye. The motion was adopted.

The motion and vote is viewable on the linked agenda at: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2019-03-21>. 01:28:58.

Before proceeding, Chair Tatayon stated that the Council would consider its agenda items out of order. Agenda items 4 and 5 would proceed in order. However, agenda item 9 would be considered after that, followed by agenda item 8, agenda item 6, and agenda item 7.

5. Chair's Report (Information Item)

Chair Tatayon highlighted progress towards the April 8, 2019 Delta Plan Interagency Implementation Committee (DPIIC) meeting. She provided an overview of agenda item 5a and the Council's efforts to amend the ecosystem chapter of the Delta Plan.

5a. Delta Plan Interagency Implementation Committee Meeting Preview

Chair Tatayon introduced Special Assistant for Planning and Science, Amanda Bohl; Vice Chair Randy Fiorini; and Executive Director of Coalition for a Sustainable Delta, Jason Peltier to present.

The memo for Agenda Item 5a is available on the Council's website at:

<http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-march-21-2019-meeting-agenda-item-5-delta-plan>.

The two attachments are available on the Council's website at:

<http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-march-21-2019-meeting-agenda-item-5-attachment-1> and <http://deltacouncil.ca.gov/docs/meeting->

[documents/delta-stewardship-council-march-21-2019-meeting-agenda-item-5-attachment-2.](#)

The presentation is also available on the Council's website at:

<http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-march-21-2019-meeting-agenda-item-5-dpiic-meeting>.

Ms. Bohl summarized the white paper on the Science Funding Initiative (*Funding Science to Meet Tomorrow's Challenges*) and discussed the Delta Independent Science Board's Letter to DPIIC regarding opportunities for improving science and technical integration in the Delta, as well as next steps. Ms. Bohl and Mr. Peltier detailed barriers to funding science in the Delta, such as funding limitations and inconsistent funding availability. She stated that the white paper identifies potential funding sources and creates a strategy to distribute funding effectively. At the April DPIIC meeting, members will discuss and potentially endorse the white paper. Ms. Bohl stated that the goal is to develop an implementation plan by November 2019.

Councilmembers and the panel discussed agency constraints and flexibility. Mr. Peltier stated that using DPIIC as a resource provides an opportunity to make changes at the policy level. He clarified that the white paper gives clear objectives and a timeline, but the results of the funding study can influence decisions beyond the white paper's initial purpose. Delta Lead Scientist Dr. John Callaway emphasized that through this process the Delta Science Program will be able to identify the most critical needs and current spending trends, and create a new funding strategy to evaluate current priorities. Ms. Bohl added that current understanding of Delta science funding is inadequate. Thus the review is necessary to enhance scientific efforts. Ms. Bohl concluded the presentation by inviting all to attend the next DPIIC meeting (April 8, 2019) where the discussion will continue.

The Chair's Report is viewable on the linked agenda at: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2019-03-21>. 01:29:29.

Chair Tatayon concluded her report by stating that the Closed Executive Session (agenda item 12) was canceled.

9. Endorsement of the Update to the Delta Science Plan (Action Item)

Delta Lead Scientist, Dr. John Callaway introduced Senior Environmental Scientist, Dr. Yumiko Henneberry. Dr. Henneberry provided an overview of the updated Delta Science Plan. She emphasized that the Delta Science Plan's purpose is to serve as a guide among the broader Delta science community.

The updated Delta Science Plan is available on the Council's website at:

<http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-march-21-2019-meeting-agenda-item-9-attachment-1>.

The Staff Report and Presentation is available at:

<http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-march-21-2019-meeting-agenda-item-9-endorsement> and <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-march-21-2019-meeting-agenda-item-9-update-delta>.

Councilmember Villegas recommended that staff include local agency input in scientific efforts. Dr. Henneberry acknowledged that request and said they would be sure to consider local input in the implementation efforts. Councilmember Weinberg asked how staff links the Science Funding Initiative (from agenda item 5a) to the updated Delta Science Plan. Dr. Henneberry stated the white paper is a branch of the Delta Science Plan's Chapter 5. The white paper also helps progress the actions within the Delta Science Plan as a whole. Councilmember Weinberg also asked how the implementation of the white paper is connected to carrying out the Delta Science Plan. Dr. Callaway explained that each action in the plan has a staff lead, and that some items in the Science Plan have clear implementation strategies, while others need more development.

Motion: Offered by Weinberg, second by Villegas - Approve the updated Delta Science Plan.

Vote: 6/0 – Weinberg, Gatto, Damrell, Fiorini, Tatayon, and Villegas voted aye (unanimous), and the motion was adopted.

The Endorsement of the Update to the Delta Science Plan presentation is viewable on the linked agenda at: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2019-03-21>. 02:04:01.

8. Lead Scientist's Report (Information Item)

Dr. Callaway invited Deputy Executive Officer for Science, Louise Conrad, to discuss Delta Smelt. Ms. Conrad summarized the 2016 Delta Smelt Resiliency Strategy and highlighted two of the 13 actions outlined in the strategy that have recent results: 1) the Suisun Marsh salinity control gates, and 2) the Captive Supplementation Program. The salinity gates operate in the summer to reduce overall salinity in the marsh. Delta Smelt benefit from the gates because flow from the gates decreases salinity levels, thus providing more suitable habitat for Delta Smelt. The *Captive Supplementation Program* recently developed a transportation strategy using a system of cages and buoys. Smelt are transferred from one cage to another while submerged in water. The buoys allow the cages to be transferred to different locations without leaving the water. This new strategy yielded a 95 percent survival rate for adult Delta Smelt. The presentation for the Delta Smelt discussion is available on the Council's website at:

<http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-march-21-2019-meeting-agenda-item-8-presentation>.

Councilmembers discussed where they should focus their efforts in regards to the Delta Smelt. Chair Tatayon suggested members focus on taking a holistic approach referring to the strategies in the Delta Science Plan and the Science Funding Initiative white paper as guiding documents. Councilmember Weinberg suggested discussing the topic in more detail at the March 22, 2019 retreat.

Dr. Callaway gave a short overview of the remaining Lead Scientist's Report items. He stated that the review of the submitted Project Solicitation Notice proposals is complete. Staff will return to the Council in April to present their recommendations. Dr. Callaway noted that this is the first time the Science Program has had funding for these contracts since 2011. The Lead Scientist's Report also included an article on evaluating snowpack in the Sierra Nevada natural reservoir, an update from the Social Science Task Force's first meeting in January 2019, and an update on the recently held Adaptive Management Forum. The Lead Scientist's Report is available on the Council's website at:

<http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-march-21-2019-meeting-agenda-item-8-lead-scientist>.

Dr. Callaway concluded his report by inviting Senior Environmental Scientist Nir Oksenberg to present the new Delta Science Program web pages. The new web pages can be found here: <http://deltacouncil.ca.gov/science-program>.

The Lead Scientist's Report is viewable on the linked agenda at <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2019-03-21>. 02:22:04. A detailed tour of each web page can be found at time slot 02:49:46 in the video.

6. Executive Officer's Report (Information Item)

Executive Officer Jessica Pearson announced that the Council's retreat would take place on March 22 at the Crocker Art Museum in Sacramento. She stated that Councilmembers would discuss the Council's authorities, responsibilities, and priorities when implementing the Delta Reform Act. The *By the Numbers* report was not a presentation this month but was included in the Councilmembers' packets. Ms. Pearson also announced the launch of the Council's public participation survey. As part of the development of the Council's Public Participation Plan, the survey will assess the Council's efforts to encourage public participation in its decision-making. The survey is available until April 30, 2019. Staff, with the help of the California Department of Fish and Wildlife, has also developed a Nutria Pocket Guide to aid in the identification of Nutria in the Delta.

The *By the Numbers* report is available on the Council's website at:

<http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-march-21-2019-meeting-agenda-item-8-numbers>.

The public participation survey is available at:

<https://www.surveymonkey.com/r/9RC75G7>

The Nutria Pocket Guide is available at: <http://deltacouncil.ca.gov/nutria-pocket-guide>.

Ms. Pearson discussed the following comment letters:

- Comment letter to the City of Sacramento Community Development Department re: The Notice of Preparation for the City's 2040 General Plan Update and Climate Action Plan. The letter stated that the General Plan Update may meet the definition of a covered action.
- Comment letter to Department of Water Resources re: the Guidelines solicitation package for the Riverine Stewardship Program. The program seeks to restore streams, creeks, and rivers, enhancing the environments for fish, wildlife, and people. Proposed projects of the program could be located in the Delta and subject to the covered actions process.
- In response to: Former Association of California Water Agencies Executive Director Tim Quinn's interview with *Water in the West* newsletter Ms. Pearson sent a letter to Mr. Quinn reminding him of the Delta Plan guidance and recently adopted Conveyance, Storage, and Operations of Both amendment and recommendations.
- Received a letter from: Jerry Meral, Director of the California Water Program at the National Heritage Institute. Mr. Meral sent a letter to a group of state officials including the Council, on the topic of sea level rise in the Delta and how new projects are regulated by the State. This letter relates to the Council's Ecosystem Amendment and Climate Change Assessment and Vulnerability Strategy.

There were no covered actions to report this month outside of the results from the Smith Canal hearing earlier in the meeting (Agenda Item 3).

Ms. Pearson stated that the Delta Protection Commission (DPC) recently announced that the president has signed into law the designation of the Delta as a National Heritage Area (NHA). The DPC will be the coordinating entity for the NHA and has three years to develop a management plan.

Ms. Pearson announced the Council's newest staff member, Harriet Ross, as Assistant Planning Director. Ms. Ross brings over 20 years of land use, policy, and environmental planning experience to the Council.

The Executive Officer's Report is viewable on the linked agenda at: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2019-03-21>. 02:55:05.

6a. Legal Update (Information Item)

Chief Counsel Bethany Pane had nothing to report.

6b. Legislative Update (Action Item)

Legislative and Policy Advisor Ryan Stanbra provided the Legislative Update, which is available on the Council's website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-march-21-2019-meeting-agenda-item-6b-legislative>. In response to a request at the February meeting from Councilmember Damrell, Mr. Stanbra noted that the legislative report now displays "bills of interest" at the beginning of the report.

Mr. Stanbra provided a status update on the following bills of interest and relevant legislative activities:

- AB 409 (Climate change: agriculture grant program) and AB 839 (Climate Change: Strategy) both support climate adaptation. AB 409 focuses on providing grants for state agriculture, and AB 839 would develop a statewide adaptation strategy to serve as the basis for subsequent funding and implementation.
- AB 489 (Water development projects: state financial assistance) and AB 948 (Flood control or watershed protection projects) both support flood control projects, the State's cost share, and eligible activities for these projects. AB 489 would clarify the scope of "recreational activities" for nonfederal flood control projects.
- AB 912 (Marine invasive species: ballast water and biofouling management requirements) would require applicable vessels to comply with a number of performance standards for ballast water discharge, including those developed by the State Lands Commission. Ballast water has resulted in the introduction of nonnative species and invasive aquatic plants in the Delta.
- AB 933 (Ecosystem resilience: watershed protection) would establish the Ecosystem Resilience Program at the Department of Conservation with a focus on funding watershed coordinators who would assist implementation of locally developed watershed efforts.
- AB 1194 (Sacramento-San Joaquin Delta: Delta Stewardship Council) would increase membership of the Council to 13 members, adding members with Delta agriculture and small business expertise, Delta residents, and ex officio members from the State Senate and Assembly.
- SB 19 (Water resources: stream gages) would require the Department of Water Resources and the State Water Board to develop a plan to deploy stream gages.
- SB 45 (Wildfire, Drought, and Flood Protection Bond Act of 2020) would result in the issuance of bonds totaling \$4.3 billion for activities including habitat restoration, climate adaptation, and water quality protection.
- SB 204 (State Water Project: contracts) would expand the legislature's scope of review to include any WaterFix related contracts.

- The Trump Administration recently announced its proposal to transition flood insurance premiums from subsidized rates to actuarial rates that would be reflective of actual flood risk for individual parcels. Last year's amendment to the Flood Risk Reduction Chapter of the Delta Plan included a handful of specific recommendations pertaining to the National Flood Insurance Program. Specifically, the chapter suggests that the California Legislature require an adequate level of flood insurance for those in flood-prone areas of the Delta.
- Lastly, the president signed the bill to designate the Delta as a National Heritage Area (NHA). The NHA is a key recommendation in the Delta Plan. The Council has historically supported this effort, including staff support from the Council's previous Executive Fellow Seth Yund.

Councilmember Weinberg asked if AB 834 (Freshwater and Estuarine Harmful Algal Blooms Program) was the first step in acquiring funds to respond to harmful algal blooms. Mr. Stanbra stated that this bill would identify the Water Board as the designated agency to administer the program and offered to research the bill further.

The Legislative Report is viewable on the linked agenda at: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2019-03-21>. 03:00:51.

7. Five-Year Review of the Delta Plan – Stakeholder Assessment (Information Item)

Ms. Pearson introduced Supervising Engineer Andrew Schwarz and Lisa Beutler from Stantec to present the findings from the stakeholder assessment survey.

The staff report for Agenda Item 7 is available on the Council's website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-march-21-2019-meeting-agenda-item-7-five-year>.

The attachments are available on the Council's website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-march-21-2019-meeting-agenda-item-7-attachment-1> and <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-march-21-2019-meeting-agenda-item-7-attachment-2>.

The presentation is also available on the website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-march-21-2019-meeting-agenda-item-7-five-year-0>.

Mr. Schwarz presented the Five-Year Review objectives, process, and deliverables. Ms. Beutler presented the outcome from the Stakeholder Assessment Survey. The survey was open to the public from Dec. 31, 2018 to Feb. 13, 2019. The survey spanned a range of topics from Delta Plan success and expectations, to barriers to success and suggestions for improvement. Ms. Beutler noted that most of the survey participants

were responding to their knowledge of the Delta and the coequal goals, not solely on the Delta Stewardship Council itself.

Councilmembers and staff discussed the survey responses relating to best available science. Ms. Beutler clarified that the best available science survey results show that there is a perception by some that State and federal agency science programs were working separately and would benefit if there were more planning and coordination around science activities. They also discussed survey responses related to DPIIC meeting frequency. Respondents felt the committee should increase their number of public meetings.

There was one public comment from Emily Pappalardo from MBK Engineers. She stated that she would like to advise promoting a Delta-wide hydrodynamic study to clarify the impacts to water quality from levee failures. She stated it would be beneficial to see how far north a levee failure would influence water quality beyond the western Delta.

*The Five-Year Review of the Delta Plan presentation is viewable on the linked agenda at: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2019-03-21>.
03:11:20.*

10. Public Comment

There was no additional public comment

11. Preparation for Next Council Meeting

The meeting adjourned at 3:00 p.m.